

EPA-2021-001305 request Details

Due Date: 02/11/2021 Clock Days: 0 (On Hold)

Requester Information

Requester	Mr. James Chelmowski	Tracking Number	EPA-2021-001305
Organization		Submitted Date	12/07/2020
Requester Has Account	Yes	Received Date	12/07/2020
Email Address	(b) (6)	Perfected Date	12/07/2020
		Last Assigned Date	12/17/2020
Phone Number		Assigned To	Denise Walker (OGC National FOIA Office)
Fax Number			
Address	(b) (6)	Last Assigned By	Antonio B Roberts (Environmental Protection Agency)
City	Chicago		
State/Province	IL	Request Track	Simple
Zip Code/Postal Code	60631	Fee Limit	\$25.00

Request Handling

Requester Info Available to the Public	No	Request Type	FOIA
Request Track	Simple	Request Perfected	Yes
Fee Category	Other	Perfected Date	12/07/2020
Fee Waiver Requested	No	Acknowledgement Sent Date	
Fee Waiver Status		Unusual Circumstances	Yes
Expedited Processing Requested	Yes	Litigation	No
Expedited Processing Status	Deny	Court Docket Number	
		5 Day Notifications?	No

Description

Long Description

The Full Request is attached and the summary is: This is both a Privacy Act 5 USC 552a and FOIA Request. Provide all records regarding the FOIA/PA Requester James Chelmowski in the EPA Privacy Act System of Records EPA-9 from Jan. 1, 2015 to date of search. The responsive records must include all records, communications (internal and external), uploads, etc. regarding all my FOIA and/or Privacy Act requests including FCC, NARA, DOJ, etc. not just with the EPA requests filed by James Chelmowski. The EPA maintains and created the FOIAonline for all participating agencies as EPA Privacy Act System of Records EPA-9. EPA Privacy Act requirements include: The FOIA Office: • Log the request into the Agency's tracking system • Assign the request a PA control number and due date, and • Transfer the request to the National Privacy Staff National LPO • Verify the identity of the individual • Finalize the request • Forward the request to the appropriate Program or Regional LPO. ISO or System Owner (EPA-9 System Owner is Tim Crawford) • Locate the responsive records • Make a determination whether to grant or deny the request. • Inform the individual in writing of the decision. If denied provide reasons for the decision and the right to file an appeal. • Provide a copy of the response letter and other written communications with the requester to the LPO when the request is closed. If an extension of time to respond is required: The ISO or System Owner (Tim Crawford) who is unable to respond to the request by the due date will inform the individual of the reason(s) for the delay and provide an estimated time for when a decision will be made. The extension of time to respond must be provided in writing and a copy sent to the HQ LPO. EPA FOIAonline created PA control numbers & confirmed my identity in the past Privacy Act Requests including but not limited to PA-0001-2017, PA-0001-2017a, PA-0001-2020, etc. I also attested my Identity through this FOIAonline submission

Has Description Been Modified

No

Description Available to the Public

No

Short Description

Additional Information

Unusual circumstances Invoked and Due Date Extended Yes

Date Unusual Circumstances Invoked – you MUST go to EXTEND DUE DATE in LEFT-HAND NAVIGATION BAR and COMPLETE FIELDS including ESTIMATED DATE OF COMPLETION 12/17/2020

Records Locations - Identify one or more locations where records may be located Headquarters

Attached Supporting Files

Attachments Available to the Public?
No

Attached File Name	Size (MB)	File Type
FOIA and Privacy Act Request - FOIA # EPA-2021-001305 and PA # to be provided by the FOIA Office ASAP.pdf	0.4834	Adobe PDF Document
Exhibit 2 - EPA Privacy Act System of Records EPA-9 FOIAonline in 81 FR 81096 to 81098..pdf	0.0825	Adobe PDF Document
Exhibit 1 - Privacy Act Requests and logs received through FOIA request EPA-HQ-2019-008876 which includes my Privacy Act Requests PA-0001-2017 PA-0001-2017a PA-0001-2020..pdf	3.3102	Adobe PDF Document
Exhibit 3 - EPA mandatory procedures that EPA provided through FOIA request EPA-HQ-2019-008874.pdf	5.8303	Adobe PDF Document

Appeals

Tracking Number	Appeal Date	Appellant	Phase	Notification
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No appeals have been created.

Consultations

Tracking Number	Consulted Agency	Created By	Consultation Date	Due Date	Phase
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No consultations have been created.

Correspondence to Requester

Subject	From	To	Date
Estimate Cost Notice EPA-2021-001305	Denise Walker	Mr. James Chelmowski	01/28/2021

We estimate that the cost to find responsive records will be approximately \$112.00.

FOIA Request EPA-2021-001305 Submitted	System	Mr. James Chelmowski	12/07/2020
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This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: EPA-2021-001305
- Requester Name: Mr. James Chelmowski
- Date Submitted: 12/07/2020
- Request Status: Submitted
- Description: The Full Request is attached and the summary is:
This is both a Privacy Act 5 USC 552a and FOIA Request. Provide all records regarding the FOIA/PA Requester James Chelmowski in the EPA Privacy Act System of Records EPA-9 from Jan. 1, 2015 to date of search. The responsive records must include all records, communications (internal and external), uploads, etc. regarding all my FOIA and/or Privacy Act requests including FCC, NARA, DOJ, etc. not just with the EPA requests filed by James Chelmowski. The EPA maintains and created the FOIAonline for all participating agencies as EPA Privacy Act System of Records EPA-9.

EPA Privacy Act requirements include:

The FOIA Office:

- Log the request into the Agency's tracking system
- Assign the request a PA control number and due date, and
- Transfer the request to the National Privacy Staff

National LPO

- Verify the identity of the individual
- Finalize the request
- Forward the request to the appropriate Program or Regional LPO.

ISO or System Owner (EPA-9 System Owner is Tim Crawford)

- Locate the responsive records
- Make a determination whether to grant or deny the request.
- Inform the individual in writing of the decision. If denied provide reasons for the decision and the right to file an appeal.
- Provide a copy of the response letter and other written communications with the requester to the LPO when the request is closed.

If an extension of time to respond is required:

The ISO or System Owner (Tim Crawford) who is unable to respond to the request by the due date will inform the individual of the reason(s) for the delay and provide an estimated time for when a decision will be made. The extension of time to respond must be provided in writing and a copy sent to the HQ LPO.

EPA FOIAonline created PA control numbers & confirmed my identity in the past Privacy Act Requests including but not limited to PA-0001-2017, PA-0001-2017a, PA-0001-2020, etc. I also attested my Identity through this FOIAonline submission

Re: Freedom of Information Act Request No. EPA-2021-001305,
Opportunity to Discuss and Modify, Unusual Circumstances

Mr. James
Chelmowski

Mr. James
Chelmowski

01/12/2021

Sent today by email From: jchelmowski@comcast.net Sent: Tuesday, January 12, 2021 3:02 PM To: 'FOIA HQ'; foia@epa.gov; 'Timothy'; 'Levine, Scott'; 'Fotouhi, David'; 'O'Donnell, Sean'; privacy@epa.gov; 'Wheeler, Andrew' Cc: 'Christofel, Dave'; 'Rementer, Nicole'; Spears.Rasheena@epa.gov; 'Kelly, Lee'; Noga.vaughn@epa.gov; Earle.Judy@epa.gov; mcguire.cathy@epa.gov; mckinney.robert@epa.gov; sabbagh.bill@epa.gov; 'Sanderson, Bobby'; Crawford.Tim@epa.gov; Anouilh.Jeffrey@epa.gov; Aguilar.Marlyn@epa.gov; Whiting.Mike@epa.gov; Roberts.Antonio@epa.gov; OIP.ComplianceInquiry@usdoj.gov Subject: Legally Deemed the EPA Obstructing and/or Fraudulently or Negligently Concealing Material Facts for ddc 17-cv-1394, it will now be legally deemed these obstructed records will impeach ALL EPA Epp and Levine Declarations statements in case DDC 17-cv-1394 Importance: High Dear EPA FOIA & Privacy Act Headquarters, EPA FOIA Public Liaison Timothy Epp, Attorney Scott Levine and Chief FOIA Officer David Fotouhi. It should be legally deemed the EPA is obstructing and/or negligently or fraudulently concealing the EPA communications regarding the alleged FOIA and Privacy Act requests in the Declarations by Timothy Epp and Scott Levine. EPA FOIA Headquarters, EPA Privacy Act Headquarters, EPA FOIA Public Liaison Timothy Epp, Attorney Scott Levine, Chief FOIA Officer David Fotouhi refuses to provide material facts responsive to my FOIA and Privacy Act requests which many should have been in the possession of Timothy Epp and Scott Levine when they wrote their declarations under the penalty of perjury. The EPA is obstructing and/or negligently or fraudulently concealing the EPA records denying my rights to these records to confirm or impeach their statements. I will need to report to Judge Boasberg in DDC 17-cv-1394 Chelmowski vs USA, FCC, EPA and NARA, whether the EPA is obstructed or concealed EPA records, including all the responsive records, Timothy Epp and Scott Levine allegedly reviewed before writing declaration under the penalty perjury. I will let Judge Boasberg know whether the EPA produced these FOIA and Privacy Act responsive records including but not limited to all

communications regarding the alleged EPA FOIA and Privacy Act searches, which will either confirm or impeach EPA Timothy Epp and Scott Levine's declaration statements under the penalty of perjury that were requested 88 days ago. If I don't have these responsive records which are critical material facts that I need to brief by the end of the day tomorrow Wednesday January 13, 2021, it will be legally deemed these responsive records regarding the EPA alleged FOIA, and Privacy Act searches, and all the EPA actions that the EPA will not produce will impeach all of Timothy Epp and Scott Levine's statements under the penalty of perjury for the case Chelmowski v USA, FCC, and NARA. This will be briefed and legally deemed this way unless the EPA produces these responsive records by January 13, 2021 that were requested under federal law 88 days. Sincerely, James Chelmowski

From: jchelmowski@comcast.net Sent: Sunday, January 10, 2021 10:11 AM To: 'Timothy'; 'Rementer, Nicole'; 'Fotouhi, David'; 'FOIA HQ' Cc: 'O'Donnell, Sean'; 'OIP.ComplianceInquiry@usdoj.gov'; 'Criminal.Division@usdoj.gov' Subject: FW: 3rd Request for Written Official Response to 5 items in FOIA Public Liaison Dispute Mediation for FOIA EPA-21-1196 for \$4,480.50 Fees when Similar one EPA did not demand or require any fees When EPA Did NOT have Declarations Under the Penalty of Perjury Importance: High Dear EPA FOIA Headquarters, EPA FOIA Public Liaison Timothy Epp, and Nicole Rementer It is now legally deemed that the EPA. All EPA FOIA Headquarters staff, Timothy Epp, and David Fotouhi are obstructing and/or either negligently or fraudulently concealing these FOIA responsive records which are material facts I needed to brief in the DC District Court 17-cv-1394 Chelmowski v USA, FCC, EPA and NARA. The EPA, all EPA FOIA Headquarters staff, and Timothy Epp are holding these responsive records hostages for over \$4,000 in illegal fees that the EPA will not identify how many hours and why they are now classifying me a Commercial Requester to obstruct and/or either negligently or fraudulently conceal these FOIA responsive records which are material facts I needed to brief in the DC District Court 17-cv-1394 Chelmowski v USA, FCC, EPA and NARA. Since, the EPA refused to provide the following: Please provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate. Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50? Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196? Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386 Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394? The EPA, EPA Headquarters and EPA Timothy Epp are refusing because they know the responsive records are material facts; I need to either confirm or impeach EPA Timothy Epp and Scott Levine's declarations under the penalty of perjury the EPA has presented to Judge Boasberg in October of 2020. The EPA, all EPA FOIA Headquarters staff, and David Christofel know I need to respond to Judge Boasberg on January 14, 2021. See attached files, including Timothy Epp and Scott Levine Declaration under the penalty of perjury and the EPA statement of material facts relying exclusively on Timothy Epp and Scott Levine Declarations under the penalty of perjury. See Below Court order from Judge Boasberg requiring my briefing while the EPA obstructing and/or either negligently or fraudulently concealing these FOIA responsive records which are material facts that would confirm or impeach EPA Timothy Epp and Scott Levine's declarations under the penalty perjury which the EPA and the Courts are relying as Undisputed Material Facts (these court documents are attached) and Court order below: The following transaction was entered on 1/4/2021 at 3:30 PM EDT and filed on 1/4/2021 Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA Case Number: 1:17-cv-01394-JEB Filer: Document Number: No document attached Docket Text: MINUTE ORDER GRANTING Consent [72] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 14, 2021; 2) Defendants shall file their combined Reply and any Opposition by February 15, 2021; and 3) Plaintiff shall file any Reply by March 15, 2021. So ORDERED by Judge James E. Boasberg on 1/4/2021. (lcjeb1) Sincerely, James Chelmowski FOIA Requester See prior emails below: From: jchelmowski@comcast.net Sent: Thursday, January 7, 2021 10:37 AM To: 'Timothy'; 'Rementer, Nicole'; 'Fotouhi, David'; 'FOIA HQ' Cc: 'O'Donnell, Sean'; 'OIP.ComplianceInquiry@usdoj.gov' Subject: 3rd Request for Written Official Response to 5 items in FOIA Public Liaison Dispute Mediation for FOIA EPA-21-1196 for \$4,480.50 Fees when Similar one EPA did not demand or require any fees When EPA Did NOT have Declarations Under the Penalty of Perjury Importance: High Dear EPA FOIA Headquarters, EPA FOIA Public Liaison Timothy Epp, and Nicole Rementer Again, all recipients, please confirm receipt of this email. I will also send this through FOIAonline to legally document this email in case you don't confirm this email and cease any and all tolling. Any delay on this FOIA request is because of EPA FOIA Public Liaison refuses to perform their mandatory duties in this Official FOIA Public Liaison Request through omissions, negligence or willful conduct by all involved. Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses. Why are No response by Timothy Epp is documented in the FOIAonline correspondence demanding phone calls with no legal authority for these EPA demanded phone calls as required by EPA policy and procedures when I repeatedly stated Due to past false

statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses? What is EPA attorney Timothy Epp motive? See below the FOIAonline correspondence log before this email is sent: I have not received the written response to any of the 5 items in my Official FOIA Public Liaison Request. Why will the EPA will not provide the breakdown of the hours required in this outrageous \$4,480.50 fee demand or why the EPA is now defining me as a Commercial requester. I need WRITTEN FOIA Public Liaison Response to each of the 5 items below by Friday January 8, 2021 at 5pm or it will be legally deemed the EPA, all EPA FOIA Headquarters staff, Nicole Rementer, Chief FOIA officer David Fotouhi, and EPA Public Liaison attorney Timothy Epp are obstructing and/or either negligently or fraudulent concealing these FOIA responsive records. I need to respond to Judge Boasberg on January 14, 2021. Any delays would be deemed Obstruction and/or Concealment of material evidence I need to file my briefs on or before January 14, 2021. See Below: The following transaction was entered on 1/4/2021 at 3:30 PM EDT and filed on 1/4/2021 Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA Case Number: 1:17-cv-01394-JEB Filer: Document Number: No document attached Docket Text: MINUTE ORDER GRANTING Consent [72] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 14, 2021; 2) Defendants shall file their combined Reply and any Opposition by February 15, 2021; and 3) Plaintiff shall file any Reply by March 15, 2021. So ORDERED by Judge James E. Boasberg on 1/4/2021. (lcjeb1) Please again find the attached EPA-2021-001196 1-4-21 FOIA Public Liaison Request for the EPA demanding over \$4,000 in fees with exhibits. Again, the only acceptable FOIA Public Liaison Official response is to provide details response of these 5 items in writing. This is an Official Formal FOIA Public Liaison Request which requires an Official FOIA Public Liaison Response for the following 5 items as soon as possible no later than January 8, 2021, so I can provide these answers to Judge Boasberg because it appears the EPA is obstructing material facts that I need to brief by January 14, 2021. See the following: Please provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate. Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50? Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196? Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386 Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394? This will be also sent as a reply on FOIAonline to document this email in case it needs to be presented for evidence if it will legally be deemed after January 8, 2021 that EPA, all EPA FOIA Headquarters staff, Nicole Rementer, Chief FOIA officer David Fotouhi, and EPA Public Liaison attorney Timothy Epp are obstructing and/or either negligently or fraudulent concealing these FOIA responsive records. Sincerely James Chelmowski FOIA Requester From: jchelmowski@comcast.net Sent: Tuesday, January 5, 2021 8:18 AM To: 'Rementer, Nicole' Cc: 'O'Donnell, Sean' ; 'OIG WEB COMMENTS' ; 'OIP.ComplianceInquiry@usdoj.gov' Subject: FW: Formal Official Request for EPA FOIA Public Liaison Dispute Mediation for FOIA Request EPA-2021-001186 for \$4,480.50 Fee Demand when Similar one the EPA did not demand or require any fees When the EPA Did NOT have Declarations Under the Penalty of PerImportance: High Dear Nicole Rementer, Ms. Rementer, please confirm receipt of this email. I will also send this through FOIAonline to legally document this email in case you don't confirm this email and cease any and all tolling. Any delay on this FOIA request is because of EPA FOIA Public Liaison refuses to perform his mandatory duties in this Official FOIA Public Liaison Request. Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses. Any delays would be deemed Obstruction and/or Concealment of material evidence I need to file my briefs on or before January 14, 2021. See Below: The following transaction was entered on 1/4/2021 at 3:30 PM EDT and filed on 1/4/2021 Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA Case Number: 1:17-cv-01394-JEB Filer: Document Number: No document attached Docket Text: MINUTE ORDER GRANTING Consent [72] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 14, 2021; 2) Defendants shall file their combined Reply and any Opposition by February 15, 2021; and 3) Plaintiff shall file any Reply by March 15, 2021. So ORDERED by Judge James E. Boasberg on 1/4/2021. (lcjeb1) All and any tolling on this FOIA request ended yesterday with my official FOIA Public Liaison Request. Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses. The EPA, attorney Timothy Epp, attorney Scott Albright and others are aware of this fact that I want all communications in writing because the EPA provides false statements on my communications with the EPA. However, EPA Timothy Epp continues demanding phone calls to conceal facts and allow the EPA provide false statements on the EPA communications including an email earlier today on January 4, 2021 regarding my December 30, 2020 FOIA Public Liaison request regarding the EPA's Expediate Response. The only acceptable FOIA Public Liaison Official response is to provide details response of these 5 items in writing. This is an Official Formal FOIA Public Liaison Request which requires an

Official FOIA Public Liaison Response for the following 5 items as soon as possible no later than January 11, 2021, so I can provide these answers to Judge Boasberg because it appears the EPA is obstructing material facts that I need to brief by January 14, 2021. See the following: Please provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate. Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50? Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196? Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386 Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394? See attached Official FOIA Public Liaison Mediation request and the following attachments: FOIA Request EPA-2021-001186 FOIA Request EPA-HQ-2020-000386 EPA Nicole Rementer Signed Response Letter for EPA-2021-001186 dated December 30, 2020 EPA Timothy Epp Signed Response Letter for EPA-HQ-2020-000386 dated May 29, 2019 Timothy Epp Declaration under the penalty perjury in DC District Court case 17-cv-1394. Again, Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses. The EPA, attorney Timothy Epp, attorney Scott Albright and others are aware of this fact that I want all communications in writing because the EPA provides false statements on my communications with the EPA. However, EPA Timothy Epp continues demanding phone calls to conceal facts and allow the EPA provide false statements on the EPA communications including an email earlier today on January 4, 2021 regarding my December 30, 2020 FOIA Public Liaison request regarding the EPA's Expediate Response. Thank you James Chelmowski FOIA Requester From: jchelmowski@comcast.net Sent: Monday, January 4, 2021 6:03 PM To: 'Timothy'; 'FOIA HQ'; 'Fotouhi, David' Cc: 'O'Donnell, Sean'; 'OIP.ComplianceInquiry@usdoj.gov'; 'OIG.WEBCOMMENTS' Subject: Formal Official Request for EPA FOIA Public Liaison Dispute Mediation for FOIA Request EPA-2021-001186 for \$4,480.50 Fee Demand when Similar one the EPA did not demand or require any fees When the EPA Did NOT have Declarations Under the Penalty of Perjury Importance: High Formal Official Request for EPA FOIA Public Liaison Dispute Mediation for FOIA Request EPA-2021-001186 – for \$4,480.50 Fee Demand when Similar one the EPA did not demand or require any fees When the EPA Did NOT have Declarations Under the Penalty Perjury in District Court with the Requester and these Responsive Records are Material Facts for that Court, EPA's Declaration and EPA's Statement of Material Facts in DDC 17-cv-1394 See attached letter and exhibits: Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses. The EPA, attorney Timothy Epp, attorney Scott Albright and others are aware of this fact that I want all communications in writing because the EPA provides false statements on my communications with the EPA. However, EPA Timothy Epp continues demanding phone calls to conceal facts and allow the EPA provide false statements on the EPA communications including an email earlier today on January 4, 2021 regarding my December 30, 2020 FOIA Public Liaison request regarding the EPA's Expediate Response. The only acceptable FOIA Public Liaison Official response is to provide details response of these 5 items in writing. This is an Official Formal FOIA Public Liaison Request which requires an Official FOIA Public Liaison Response for the following 5 items as soon as possible no later than January 11, 2021, so I can provide these answers to Judge Boasberg because it appears the EPA is obstructing material facts that I need to brief by January 14, 2021. See the following: Please provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate. Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50? Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196? Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386 Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394? See attached letter and exhibits with copy of the letter below: Timothy Epp, EPA FOIA Public Liaison US Environmental Protection Agency (EPA) Sent by email to with Microsoft Outlook Read Confirmations January 4, 2021 RE: Formal Official Request for EPA FOIA Public Liaison Dispute Mediation for FOIA Request EPA-2021-001186 – for \$4,480.50 Fee Demand when Similar one the EPA did not demand or require any fees When the EPA Did NOT have Declarations Under the Penalty Perjury in District Court with the Requester and these Responsive Records are Material Facts for that Court, EPA's Declaration and EPA's Statement of Material Facts in DDC 17-cv-1394 Dear Timothy Epp, EPA Public Liaison. Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses. The EPA, attorney Timothy Epp, attorney Scott Albright and others are aware of this fact that I want all communications in writing because the EPA provides false statements on my communications with the EPA. However, EPA Timothy Epp continues demanding phone calls to conceal facts and allow the EPA provide false statements on the EPA communications including an email earlier today on January 4, 2021 regarding my December 30, 2020 FOIA Public Liaison request regarding the EPA's Expediate Response. The only acceptable FOIA Public Liaison Official response is to provide

details response of these 5 items in writing. This is an Official Formal FOIA Public Liaison Request which requires an Official FOIA Public Liaison Response for the following 5 items as soon as possible no later than January 11, 2021, so I can provide these answers to Judge Boasberg because it appears the EPA is obstructing material facts that I need to brief by January 14, 2021. See the following: Please provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate. Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50? Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196? Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386? Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394? See facts below from FOIA requests EPA-2021-001186 similar Request EPA-HQ-2020-000386: FOIA request EPA-2021-001186 On December 30, 2020, EPA Nicole Rementer electronically signed letter stated: You have been placed in the commercial fee category, which means you will be charged for search, review, and duplication costs in accordance with the Agency's regulations under 40 C.F.R. Part 2, Subpart A. EPA has estimated that the aggregate fees to process your request will be \$4,480.50. On December 30, 2020, EPA Nicole Rementer electronically signed letter the breakdown of fees as: Search (Estimated): \$1,982.00 Review (Estimated): \$2,498.50 Total Fees Estimated: \$1,982.00 + \$2,498.50 = \$4,480.50 FOIA Request EPA-2021-001196 for the following: 1) Provide all records the EPA keeps regarding interactions with FOIA requester and EPA Public Liaison from March 1, 2018 to later of December 1, 2020 or date of search. 2) Provide details of each incident and interaction of the EPA Public Liaison with an FOIA Requester which includes the EPA Public Liaison request, EPA Public Liaison name, requester name, dates, and details of the EPA Public Liaison for assistance with FOIA requesters from March 1, 2018 to later of December 1, 2020 or date of search. The EPA is required to report information regarding FOIA Public Liaison interaction pursuant to Federal laws, regulations, Department of Justice Guidance, etc. including but not limited to 5 USC 552(h)(4)(A)(ii)(II) the number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison [which reported annually], 5 USC 552(a)(6)(A)(i)(II) the right of such person to seek assistance from the FOIA Public Liaison of the agency, etc. A similar FOIA request EPA-HQ-2019-000386 was filed on October 11, 2018 seeking similar records for a 10 ½ months span compared to a 31-month span which the EPA conducted the search in apparently less than 2 hours and did not request or charge any search or review fees. FOIA request EPA-2020-000386 On May 29, 2019, EPA Timothy Epp signed letter and FOIA online: Provided the Fee Category "Other" not "Commercial" On May 29, 2019, EPA Timothy Epp signed letter did not request any fees FOIA request EPA-HQ-2020-000386 for the following: 1) Provide all records the EPA keeps regarding interactions with FOIA requester and EPA Public Liaison from October 1, 2017 to October 11, 2018. 2) Provide details of each incident and interaction of the EPA Public Liaison with a FOIA Requester which includes the EPA Public Liaison name, requester name, dates and details of the EPA Public Liaison for assistance with FOIA requesters from October 1, 2017 to October 11, 2018. The EPA is required to report information regarding FOIA Public Liaison interaction pursuant to Federal laws, regulations, Department of Justice Guidance, etc. including but not limited to 5 USC 552(h)(4)(A)(ii)(II) the number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison [which reported annually], 5 USC 552(a)(6)(A)(i)(II) the right of such person to seek assistance from the FOIA Public Liaison of the agency, etc. Any delays would be deemed Obstruction and/or Concealment of material evidence I need to file my briefs on or before January 14, 2021. See Below: The following transaction was entered on 1/4/2021 at 3:30 PM EDT and filed on 1/4/2021 Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA Case Number: 1:17-cv-01394-JEB Filer: Document Number: No document attached Docket Text: MINUTE ORDER GRANTING Consent [72] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 14, 2021; 2) Defendants shall file their combined Reply and any Opposition by February 15, 2021; and 3) Plaintiff shall file any Reply by March 15, 2021. So ORDERED by Judge James E. Boasberg on 1/4/2021. (lcjeb1) Summary: The United States Supreme Court has explained that the, "basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." The "FOIA is often explained as a means for citizens to know 'what their Government is up to.'" The Supreme Court stressed that "[t]his phrase should not be dismissed as a convenient formalism." Rather it, "defines a structural necessity in a real democracy." Any EPA delays on producing ALL these FOIA responsive records should be considered by the active District Court as concealment and obstruction of material facts and evidence for the Requester to brief in active DC District Court case 17-cv-1394. This is an Official Formal FOIA Public Liaison Request which requires an Official FOIA Public Liaison Response for the following 6 items as soon as possible no later than January 11, 2021, so I can provide these answers to Judge Boasberg because it appears the EPA is obstructing material facts that I need to brief by January 14, 2021. See the following: Please

provide the estimated hours in this fee estimate for FOIA Request EPA-2021-001196 for each item search and review in the fee estimate. Please provide why a similar request for 10.5 months compared to the 31 months would now cost \$4,480.50? Provide why the EPA states that I am a Commercial Requester in EPA-2021-001196? Please provide why I was not a Commercial Requester for similar Request EPA-HQ-2020-000386? Why Judge Boasberg should not deem this Fee Estimate as Obstruction of material facts in the DC District Court Case 17-cv-1394? Any EPA delays on producing ALL these FOIA responsive records should be considered by the active District Court as concealment and obstruction of material facts and evidence for the Requester to brief in active DC District Court case 17-cv-1394. See Judge Boasberg's briefing schedule which responsive records are material evidence in this case and would show the Public if the EPA is complying with their mandatory duties by Federal Law. Case Name: CHELMOWSKI v. UNITED STATES OF AMERICA Case Number: 1:17-cv-01394-JEB Filer: Document Number: No document attached Docket Text: MINUTE ORDER GRANTING Consent [72] Motion for Extension of Time. The Court ORDERS that: 1) Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 14, 2021; 2) Defendants shall file their combined Reply and any Opposition by February 15, 2021; and 3) Plaintiff shall file any Reply by March 15, 2021. So ORDERED by Judge James E. Boasberg on 1/4/2021. (lcjeb1) The Requester, Judge Boasberg and all other US Population (the Public) need to know if the EPA is complying with their mandatory duties. Due to past false statements by the EPA regarding the EPA communication with me, I will only accept written EPA communication and responses to ALL these 5 items. Sincerely, James Chelmowski FOIA Requester Attachments FOIA Request EPA-2021-001186 FOIA Request EPA-HQ-2020-000386 EPA Nicole Rementer Signed Response Letter for EPA-2021-001186 dated December 30, 2020 EPA Timothy Epp Signed Response Letter for EPA-HQ-2020-000386 dated May 29, 2019 Timothy Epp Declaration under the penalty perjury in DC District Court case 17-cv-1394

FOIA Expedited Processing Disposition Reached for EPA-2021-001305

System

Mr. James Chelmowski

12/21/2020

Your request for Expedited Processing for the FOIA request EPA-2021-001305 has been denied. Additional details for this request are as follows:

- Request Created on: 12/07/2020
- Request Description: The Full Request is attached and the summary is:
This is both a Privacy Act 5 USC 552a and FOIA Request. Provide all records regarding the FOIA/PA Requester James Chelmowski in the EPA Privacy Act System of Records EPA-9 from Jan. 1, 2015 to date of search. The responsive records must include all records, communications (internal and external), uploads, etc. regarding all my FOIA and/or Privacy Act requests including FCC, NARA, DOJ, etc. not just with the EPA requests filed by James Chelmowski. The EPA maintains and created the FOIAonline for all participating agencies as EPA Privacy Act System of Records EPA-9.

EPA Privacy Act requirements include:

The FOIA Office:

- Log the request into the Agency's tracking system
 - Assign the request a PA control number and due date, and
 - Transfer the request to the National Privacy Staff
- National LPO
- Verify the identity of the individual
 - Finalize the request
 - Forward the request to the appropriate Program or Regional LPO.

ISO or System Owner (EPA-9 System Owner is Tim Crawford)

- Locate the responsive records
- Make a determination whether to grant or deny the request.
- Inform the individual in writing of the decision. If denied provide reasons for the decision and the right to file an appeal.
- Provide a copy of the response letter and other written communications with the requester to the LPO when the request is closed.

If an extension of time to respond is required:

The ISO or System Owner (Tim Crawford) who is unable to respond to the request by the due date will inform the individual of the reason(s) for the delay and provide an estimated time for when a decision will be made. The extension of time to respond must be provided in writing and a copy sent to the HQ LPO.

EPA FOIAonline created PA control numbers & confirmed my identity in the past Privacy Act Requests including but not limited to PA-0001-2017, PA-0001-2017a, PA-0001-2020, etc. I also attested my Identity through this FOIAonline submission

- Expedited Processing Original Justification: 1) This FOIA request is urgent for the Public to know how the EPA complies with their mandatory duties by Federal law on EPA Public Liaison requests. The United States Supreme Court has explained that the, "basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." The "FOIA is often explained as a means for citizens to know 'what their Government is up to.'" The Supreme Court stressed that "[t]his phrase should not be dismissed as a convenient formalism." Rather it, "defines a structural necessity in a real democracy."
- 2) The Requester needs these FOIA responsive records for his Due Process in District Court letting the Public and DC. District Court Judge Honorable James Boasberg know the facts on how the EPA complies with Federal laws. Any EPA delays on producing ALL these FOIA and Privacy Act responsive records should be considered by the active District Court as concealment and obstruction of material facts and evidence for the Requester to brief in active District Court case 17-cv-1394.
- Expedited Processing Disposition Reason: Please see Denial letter sent on current date.

Re: EPA-2021-001305 Expedited Processing Determination

Mr. James
Chelmowski

Mr. James
Chelmowski

01/12/2021

Dear EPA Please provide the update on this past due FOIA and Privacy Act Request. FOIA & Privacy Act Request under both FOIA and Privacy Act laws Date of Request: December 7, 2020 Requester: James Chelmowski EPA FOIA Control Number EPA-2021-001305 EPA PA Control Number to be provided by the FOIA Office within PA deadline (i.e. PA-0001-2021) Request for the following: This is both a Privacy Act 5 USC 552a and FOIA Request: Provide all records regarding the FOIA/PA Requester James Chelmowski in the EPA Privacy Act System of Records EPA-9 from January 1, 2015 to date of search. The responsive records must include all records, communications (internal and external), uploads, etc. regarding all my FOIA and/or Privacy Act requests not just with the EPA filed by James Chelmowski. The EPA maintains and created the FOIAonline for all participating agencies as EPA Privacy Act System of Records EPA-9. EPA Privacy Act requirements include: The FOIA Office: Log the request into the Agency's tracking system Assign the request a PA control number and due date, and Transfer the request to the National Privacy Staff National LPO Verify the identity of the individual Finalize the request Forward the request to the appropriate Program or Regional LPO. ISO or System Owner (EPA-9 System Owner is Tim Crawford) Locate the responsive records Make a determination whether to grant or deny the request. Inform the individual in writing of the decision. If denied provide reasons for the decision and the right to file an appeal. Provide a copy of the response letter and other written communications with the requester to the LPO when the request is closed. If an extension of time to respond is required: The ISO or System Owner (Tim Crawford) who is unable to respond to the request by the due date will inform the individual of the reason(s) for the delay and provide an estimated time for when a decision will be made. The extension of time to respond must be provided in writing and a copy sent to the HQ LPO. EPA FOIAonline created PA control numbers and confirmed my identity in the past Privacy Act Requests including but not limited to PA-0001-2017, PA-0001-2017a, PA-0001-2020, etc. See Exhibit 1 responsive records from EPA-HQ-2019-008876 for past EPA Privacy Act logs and request. EPA's FOIAonline requires the requester to attest to their identity and Affirmation. Pursuant to 28 USC § 1746 Exhibits include: 1) Privacy Act Requests and logs received through FOIA request EPA-HQ-2019-008876 which includes my Privacy Act Requests PA-0001-2017, PA-0001-2017a,

PA-0001-2020.2) EPA Privacy Act System of Records EPA-9 FOIAonline in 81 FR 81096 to 81098.3) EPA mandatory procedures that EPA provided through FOIA request EPA-HQ-2019-008874.

EPA-2021-001305 Expedited Processing Determination

Antonio B
Roberts

Mr. James
Chelmowski

12/21/2020

Hello,

Please see attached letter.

Sincerely,

EPA National FOIA Office

EP EPA-2021-001305.pdf

EPA-2021-001305 Correspondence Pertaining to FOIA Requests

Denise
Walker

Mr. James
Chelmowski

01/22/2021

Dear Mr. Chelmowski:

I hope this letter finds you well in the New Year.

Please see the attached correspondence.

Best,

Denise A. Walker

Letter to Requester Chelmowski Re Correspondence with EPA 01.22.2021.pdf

Freedom of Information Act Request No. EPA-2021-001305,
Opportunity to Discuss and Modify, Unusual Circumstances

Antonio B
Roberts

Mr. James
Chelmowski

12/17/2020

Hello,

Please see attached letter.

Sincerely,

EPA National FOIA Office

EPA-2021-001305 Initial Response Letter 12172020.pdf

Re: EPA-2021-001305 Expedited Processing Determination

Mr. James
Chelmowski

Mr. James
Chelmowski

01/20/2021

Dear EPA & Antonio Roberts Please provide the update on this past due FOIA and Privacy Act Request. FOIA & Privacy Act Request under both FOIA and Privacy Act laws Date of Request: December 7, 2020 Requester: James Chelmowski EPA FOIA Control Number EPA-2021-001305 EPA PA Control Number to be provided by the FOIA Office within PA deadline (i.e. PA-0001-2021) Request for the following: This is both a Privacy Act 5 USC 552a and FOIA

Request: Provide all records regarding the FOIA/PA Requester James Chelmowski in the EPA Privacy Act System of Records EPA-9 from January 1, 2015 to date of search. The responsive records must include all records, communications (internal and external), uploads, etc. regarding all my FOIA and/or Privacy Act requests not just with the EPA filed by James Chelmowski. The EPA maintains and created the FOIAonline for all participating agencies as EPA Privacy Act System of Records EPA-9. EPA Privacy Act requirements include: The FOIA Office: Log the request into the Agency's tracking system Assign the request a PA control number and due date, and Transfer the request to the National Privacy Staff National LPO Verify the identity of the individual Finalize the request Forward the request to the appropriate Program or Regional LPO. ISO or System Owner (EPA-9 System Owner is Tim Crawford) Locate the responsive records Make a determination whether to grant or deny the request. Inform the individual in writing of the decision. If denied provide reasons for the decision and the right to file an appeal. Provide a copy of the response letter and other written communications with the requester to the LPO when the request is closed. If an extension of time to respond is required: The ISO or System Owner (Tim Crawford) who is unable to respond to the request by the due date will inform the individual of the reason(s) for the delay and provide an estimated time for when a decision will be made. The extension of time to respond must be provided in writing and a copy sent to the HQ LPO. EPA FOIAonline created PA control numbers and confirmed my identity in the past Privacy Act Requests including but not limited to PA-0001-2017, PA-0001-2017a, PA-0001-2020, etc. See Exhibit 1 responsive records from EPA-HQ-2019-008876 for past EPA Privacy Act logs and request. EPA's FOIAonline requires the requester to attest to their identity and Affirmation. Pursuant to 28 USC § 1746 Exhibits include: 1) Privacy Act Requests and logs received through FOIA request EPA-HQ-2019-008876 which includes my Privacy Act Requests PA-0001-2017, PA-0001-2017a, PA-0001-2020. 2) EPA Privacy Act System of Records EPA-9 FOIAonline in 81 FR 81096 to 81098. 3) EPA mandatory procedures that EPA provided through FOIA request EPA-HQ-2019-008874.

Other Correspondence

Attached File	File Type	Size (MB)
Other-20201221135133-EP EPA-2021-001305.pdf	Adobe PDF Document	0.1198
Other-20201217161635-EPA-2021-001305 Initial Response Letter 12172020.pdf	Adobe PDF Document	0.1831

Fee Estimates

Current Estimate Total \$418.00
Date Estimate Sent to Requester 01/28/2021
Estimate Required for Payment Yes

Invoices

Sent	Title	Invoice Date	Amount
No invoices have been created.			

Total Amount Billed Which Has Been Sent To Requester \$0.00

Payments

Date	Amount	Type	Total Amount Paid	Total Amount Owed
No payments have been added.			\$0.00	\$418.00

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable

RU - Redacted - Unreleasable

**UR - Unredacted - Releaseable to the
General Public**

**RR - Redacted - Releaseable to the General
Public**

REQ - Release to Requester Only

Release Type	Title	User	Date/Time	Exemptions	Release Date
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No records have been uploaded.

Restricted Materials

Attached File Name	Size (MB)	File Type	User	Actual Agency	Date/Time
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No restricted materials have been added.

Existing Admin Costs

Date	User Name	Charge Type	Hours/Quantity	Rate	Billable?	Total
01/27/2021	Denise Walker	Search	2.00	41.00	Yes	82.00

Charge Description		No description included.				

Fee Category: Other

Total: \$82.00

Invoice Amount: \$0.00

Outcome	Task Type	Assigned To	Assigned By	Submitted Date	Due Date	Closed Date	Notification	Justi
Other	Initial Review	Antonio B Roberts	Larry C Johnson	12/09/2020	12/16/2020	2020-12-17T05:00:00.000Z	No	
Description	Intake-Review and assign as you determine							
Comments	Assigned to OGC-NFO D. Walker, clock not started due to request needing clarification. Clarification letter sent to requester, cc'd D. Walker. Unusual circumstances has been invoked, once clarification comes back.							
Completed	Estimate Cost Notice	Denise Walker	Denise Walker	01/27/2021	01/27/2021	2021-01-28T23:14:16.628Z	No	
Comments	112.0							
Deny	Expedited Processing	Antonio B Roberts	Nicole Rementer	12/07/2020	12/17/2020	2020-12-21T05:00:00.000Z	No	
Requester Justification	<p>1) This FOIA request is urgent for the Public to know how the EPA complies with their mandatory duties by Federal law on EPA Public Liaison requests. The United States Supreme Court has explained that the, "basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." The "FOIA is often explained as a means for citizens to know 'what their Government is up to.'" The Supreme Court stressed that "[t]his phrase should not be dismissed as a convenient formalism." Rather it, "defines a structural necessity in a real democracy."</p> <p>2) The Requester needs these FOIA responsive records for his Due Process in District Court letting the Public and DC. District Court Judge Honorable James Boasberg know the facts on how the EPA complies with Federal laws. Any EPA delays on producing ALL these FOIA and Privacy Act responsive records should be considered by the active District Court as concealment and obstruction of material facts and evidence for the Requester to brief in active District Court case 17-cv-1394.</p>							
Decision	Please see Denial letter sent on current date.							
Other	Concurrence Pending	Nicole Rementer	Antonio B Roberts	12/17/2020	12/17/2020	2021-01-04T05:00:00.000Z	No	
Description	Letter uploaded in folder for review.							
Comments	EP letter sent to requester							

Existing Comments (1)

Date Created	Last Edited On	User Name
12/17/2020 05:02 PM	12/17/2020 05:02 PM	Antonio Roberts
Comment	Sent the initial response letter, updated the request details to reflect unusual circumstances, clock not started.	

Assigned Reviewers

Review Order	Review Outcome	Assigned Reviewer	Review Date
No reviewers have been assigned.			